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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/447,717 05/23/95 STEWART

R 10915R
EXAMINER

LOU, M

ART UNIT	PAPER NUMBER
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24M1/0416

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2415

DATE MAILED:

04/16/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ **REISSUE** This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire three month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. <u>2 sheets</u> | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-32 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-32 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Part III DETAILED ACTION

Defective Reissue Oath/Declaration

1. The oath or declaration does NOT distinctly specify the excesses or insufficiencies in the claims, i.e., how the error(s) has been rectified by specifically point out the difference in scope between the original claims 1-7 and the added reissue claims 8-32 as required under 37 CFR 1.175(a)(3) [MPEP 1414.01].

The applicant should compare the scope of the original claims 1-7 and each of the new added claims 8-32. There is no specific mention of how the errors being rectified by each and every claims 8-13, 14-19, 20-29, and 30-32 can be found in the oath or declaration. Applicant is reminded that "any change or departure from the original specification or claims represents an "error" in the original patent under 35 U.S.C.251 and must be addressed in the original or supplemental reissue oath or declaration. The reissue oath or declaration should specify how the reissue overcomes the defect in the original patent; e.g; describe how the newly presented or amended claims differ from those of the patent" { 37 CFR 1.175 (a)(3) }.

2. The reissue oath or declaration filed with this application is defective because it fails to particularly specify the errors

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and/or how the errors relied upon arose or occurred as required under 37 CFR 1.175(a)(5). Included are inadvertent errors in conduct, i.e., actions taken by the applicant, the attorney or others, before the original patent issued, which are alleged to be the cause of the actual errors in the patent. This includes how and when the errors in conduct arose or occurred, as well as how and when these errors were discovered. Applicant's attention is directed to *Hewlett-Packard v. Bausch & Lomb*, 11 USPQ2d 1750, 1758 (Fed. Cir. 1989).

Applicant fails to particularly specifying the errors, i.e. what are the changes and departures from the original patent claims 1-7, relied on, and how exactly they arose or occurred. This means that the reissue oath or declaration must specify the manner in which "the errors" "arose or occurred".

3. The applicant is required to submit corroborating affidavit(s) to support the statement that the error arose because applicant and/or applicant's attorney failed to fully appreciate the scope of the invention as per 37 CFR 1.175(b).

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Rejection, Defective Reissue Oath

4. Claims 1-32 are rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. See 37 C.F.R. § 1.175.

Recapture of Canceled Subject Matter

5. A reissue will not normally be granted to "recapture" claimed subject matter deliberately canceled in an application to obtain a patent [MPEP 1412.02]. In this case, the new added claims 8-32 of the U.S. application no. 08/447,717 are the "recapture" of the canceled claims 8-13 in the patented U.S. application no. 07/892,464.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 8-32 are rejected under 35 U.S.C. § 103 as being unpatentable over Asars (4,087,792).

Asars discloses a method of operating an electroluminescent (hereinafter EL) display (fig. 1), the display comprising a plurality of pixel having a first transistor (T1) having its gate connected to a select line (Y1), its source connected to a data line (X1) and its drain connected to means (T2) for controlling the current through an EL cell (18) of the particular pixel, the method comprising the steps of applying voltages to the select and data lines (col. 1, lines 23-28), forming a signal representative of the gray scale information (col. 3, lines 1-8), applying the signal to the means of controlling (T2) (col. 3, lines 1-8).

Asars further discloses (fig. 2) the circuitry that employs analog signals and disables the means during a first part and second part of a period of time (see figs. 2A and 2B).

Asars discloses analog signals used in the circuit, but does not disclose digital signals involving bits. Analog and digital signals are well-known in the and the correlation between analog

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signals and digital signals are well-known. Therefore, it would have been obvious to one skilled in the art to modify the circuitry of Asars to accept digital signals because digital signals are becoming widely used as the format for carrying data.

Conclusion

8. Any inquiry concerning this communication should be directed to Matthew Luu at telephone number (703) 305-4850.

M.Luu: *ML*

April 12, 1996



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2415